

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3327 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.BUCH

- =====
1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

BOUDDHA MAJOOR BANDHKAM

SAHKARI MANDALI LTD

Versus

STATE OF GUJ

Appearance:

MR RD DAVE for Petitioners

MR HM BHAGAT for Respondent No. 1

NOTICE SERVED for Respondent No. 2

MR MD PANDYA for Respondent No. 4

CORAM : MR.JUSTICE C.K.BUCH

Date of decision: 11/08/2000

ORAL JUDGEMENT

1. This petition under Article 226 of the
Constitution of India is preferred by the petitioner no.1

Bouddha Majoor Bandakam Sahakari Mandali Ltd., through petitioner no.2 Mr. Rajabhai Chauhan, President of petitioner no.1 Society, and has prayed the following reliefs:-

- (A) Your Lordships will be pleased to issue a writ of mandamus or any other appropriate writ, order or direction, quashing and setting aside the impugned orders of respondent nos. 3 & 4 at Annexures: D and C respectively and further be pleased to direct respondent no.4 to reconnect the electric supply to the petitioner society forthwith;
- (B) Your Lordships will be pleased to issue a writ of mandamus or any other appropriate writ, order or direction, restraining the respondents, their officers, servants and agents from interfering with the activities of the petitioner society of excavation with the aid of electric equipments permanently;
- (C) Pending the hearing and final disposal of this petition, respondents nos. 3 and 4 be directed to reconnect the electric supply of the petitioner society forthwith;
- (D) Pending the hearing and final disposal of this petition, respondents, their officers, servants and agents may be restrained from interfering with the activity of the petitioner society of excavation of lime stone with the aid of electric equipments.
- (E) An ex-parte ad-interim relief in terms of paras (C) and (D) above may pleased be granted.

2. It is submitted that the lease period had already expired and looking to the area allowed to the petitioner society, lime stone quarry must have been exhausted by now. Mr. Pandya, learned Senior Counsel appearing for the respondent Electricity Board has submitted that the electric connection given to the petitioner society is now permanently disconnected with effect from 7.12.1992. He has stated that initially, electric connection was disconnected on 17.2.1992 as the society was found to be

involved in theft of electric power and was issued bill of more than Rs. 3 Lakh. It is further submitted that for recovery of Rs. 5,69,582-00, Civil Suit No. 71/95 was filed in the Court of Civil Judge (S.D.). In nutshell, it is submitted that the petitioners are not entitled to any of the reliefs claimed by them in this petition.

3. Submissions made by learned Senior Counsel Mr. Pandya have not been assailed. Electric connection was disconnected on the strength of the letter issued by the Collector on the expiry of the lease period. Under the circumstances, I am not inclined to grant any of the reliefs as prayed for in this petition by exercising jurisdiction under Article 226 of the Constitution of India.

4. In the result, petition is dismissed. Rule is discharged. Respondents could have been awarded costs of this petition, but the petitioner being a Co.Op. Society of labourers working in lime stone quarry, liberal view is taken and no costs awarded.

11.8.2000 [C.K. BUCH, J]

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